

A FAIR CHANCE FOR ALL

Ban the Box Campaign

The Tompkins County Office of Human Rights (OHR) is conducting a County-wide Fair Chance campaign – proposing a special type of Ban the Box strategy that provides formerly incarcerated people with a *fair chance* to obtain employment.



Half of all children living in the United States have at least one parent who has prior criminal justice involvement.¹

Discrimination based on a person's prior conviction or arrest record disproportionately impacts people of color.²

Seventy-six percent (76%) of this type of prior conviction discrimination occurs during the application stage – where discrimination is most difficult to prove and prospective employees have the least amount of protections. Providing a fair chance significantly reduces this form of discrimination.³

Providing a fair chance to people with prior criminal justice involvement has the potential to increase the tax contribution, boost sales tax revenue, and reduce recidivism leading to greater public safety and saving tax payers thousands of dollars by reducing criminal justice involvement.⁴

Although New York State law already says that employers cannot use unrelated convictions when making employment decisions, many will not even consider applicants who indicate that they have a record, without even knowing what the conviction was for. As a result, more than five million New Yorkers who have a record lose the chance to demonstrate their qualifications. Fair Chance legislation simply removes barriers to success for people who are qualified to work. Such legislation will ensure that all public and private employers in Tompkins County are considering applicants based on their skills, experience, and qualifications before weighing whether their conviction history is relevant.

- ✓ **Fair Chance** says employers cannot ask about your criminal record until *after* offering you a job
- ✓ **Fair Chance** bans job ads that say things like “no felonies” or “must pass background check”
- ✓ **Fair Chance** bans any questions about criminal history on *job applications*
- ✓ **Fair Chance** bans any questions about criminal history during *job interviews*

MORE INFO/GET INVOLVED

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TOMPKINS COUNTY
Office of Human Rights



Model Ban the Box Legislation

Sec. ##-##. Purpose.

Sec. ##-##. Findings.

Sec. ##-##. Definitions.

“Employee” means any individual employed by an employer, either for compensation, or as an intern, or as an apprentice. Employee includes an individual seeking or applying for employment by an employer. Employee does not include any individual employed by his or her parents, spouse or child, or in the domestic service of any person.

“Employment” means any work for pay or for internship status, including temporary or seasonal work, contracted work, contingent work, and work through the services of a temporary, job placement, referral, or other employment agency, for any work or position for which the primary place of work is located within Tompkins County.

“Employer” means any person, including the County and any political subdivision thereof, which employs four or more individuals in the County, either for compensation, or as an intern, or as an apprentice. Employer includes a person who recruits an individual in the County to apply for employment in the County or elsewhere. Employer includes any person undertaking to procure employees or opportunities to work.

“Person” includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

Sec. ##-##. Prohibited Action.

It shall be unlawful for any employer to make any written or oral inquiry or statement related to an employee’s prior criminal history before a conditional offer of employment, except in such instances where a review of an employee’s prior criminal history is statutorily mandated or when such employment requires government issued licensing restricted based on prior criminal history.

Sec. ##-##. Civil Liability.

The Tompkins County Office of Human Rights (Office) shall be responsible for the enforcement of this Chapter and the promulgation of Rules of Practice consistent with the Tompkins County Anti-discrimination Law §92. Upon a finding of reasonable cause by the Office, any employer, or any person who aids in the violation of this Chapter, shall be liable for a fine equal to or greater than \$250 and not to exceed \$2000 together with actual damages and reasonable attorney’s fees for each violation. Any employee denied employment due to a violation of this Chapter may commence a civil action or proceeding for injunctive relief, damages, compensation, attorneys’ fees, and other appropriate and equitable relief.

Sec. ##-##. Remedies.

The Director of the Office or any aggrieved employee may file a complaint with the Office in a manner consistent with the Tompkins County Anti-discrimination Law §92.

¹ National Employment Law Project, “Research Supports Fair-Chance Policies,” NELP, Aug. 2016 (<http://www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Research.pdf>).

² EEOC Office of Legal Counsel. (2012, April 25). Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964. Retrieved May 01, 2017, from https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm#V.

³ Ibid.

⁴ Daryl Atkinson & Kathleen Lockwood, “The Benefits of Ban the Box: A Case Study of Durham, NC,” The Southern Coalition for Social Justice, Oct. 2014 (www.southerncoalition.org/wp-content/uploads/2014/10/BantheBox_WhitePaper-2.pdf).